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Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy



114469

Department of Energy

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831— 8723

March 17, 1994

Mr. Nicholas Marton
Bureau of Federal Case Management
New Jersey Department of Environmental Protection and Energy
Division of Hazardous Waste Management
CN 028
Trenton, New Jersey 08625-0028

Dear Mr. Marton:

NEW JERSEY SITES - APPLICABILITY OF ISRA TO FUSRAP SITES

The purpose of this letter is to provide to you the results of our review of New Jersey's Industrial Site Recovery Act (ISRA) and its applicability to the New Jersey FUSRAP sites. Based on our review we have determined that ISRA is not applicable nor relevant and appropriate for the following reasons:

- The New Jersey Legislature placed very specific language in the Act limiting its applicability to facilities "having a Standard Industrial Classification number within 22-39 inclusive, 51 or 76 as designated in the Standard Industrial Classifications Manual prepared by the Office of Management and Budget in the Executive Office of the President of the United States." The New Jersey FUSRAP sites do not fall within these SIC code classifications, and the statute does not provide any language that would cover establishments not specifically listed.
- The soil standards developed by the State of New Jersey pursuant to ISRA have not been promulgated. The ISRA statute says that "until the minimum remediation standards for the protection of public health and safety as described herein are adopted, the department shall apply public health and safety remediation standards for contamination at a site on a case-by-case basis...". At this time, no regulatory action has been taken, and no case specific remediation standards have been developed under the statute. We have however, identified the proposed standards as "trigger level" guidelines for consideration during cleanup. These guidelines are identified in the CERCLA documents currently being prepared.
- ISRA (or its predecessor, ECRA) did not apply as an ARAR to two recent RODs in New Jersey where radioactive contaminants have been the principle contaminants of concern (U.S. Radium Corp., in East Orange, New Jersey, and the Montclair/West Orange Radium site in Montclair, New Jersey). As you know, CERCLA requires consistent application of state standards to all sites.

Mr. Nicholas Marton

2

March 17, 1994

- As we're discussed previously, ISRA was not identified in a timely manner to DOE even though identification of applicable or relevant and appropriate state standards was requested a number of times during development of the draft documents.

Based on the results of our review all references to the applicability or appropriateness of ISRA to the New Jersey FUSRAP sites will be removed from the CERCLA documents currently under preparation. If you have any questions, or if you would like to discuss this further, please call me at (615) 576-5724.

Sincerely,



Susan M. Cange, Site Manager
Former Sites Restoration Division

cc:
Jeff Gratz, EPA